

**COMMISSIONER'S BULLETINS
BOSTON INSPECTIONAL SERVICES**

YEAR 1989

Number: 89-1

Date: Feb. 8, 1989

Subject:

CITY OF BOSTON REGULATIONS
FOR THE IMPLEMENTATION OF THE SECURITY ORDINANCE FOR
ELDERLY/HANDICAPPED HOUSING DEVELOPMENTS

Determination:

Section I ADMINISTRATION

1.) Title: These regulations (Commissioner's Bulletin # 89-1) shall be known as the City of Boston Regulations for the implementation of the Security Ordinance for Elderly/Handicapped Housing Developments.

2.) Scope: These regulations in accordance with the City of Boston Code, Ordinance 9, as amended by Chapter 26 of the Ordinances of 1984 and Chapter 39 of the Ordinances of 1984, Chapter 4 of the Ordinances of 1989 shall control the Security Requirements for Elderly/Handicapped Multi-Family Housing Developments within the City of Boston.

3.) Applicability: The provisions of these regulations shall apply to any building, structure, development, or complex of ten or more dwelling units under common ownership, rented or offered for rent for dwelling purposes within the City of Boston, which is specifically designed or designated for rental by elderly or handicapped persons.

4.) Authority: Under the authority granted by M.G.L. Chapter 111, Section 127A, City of Boston Code, Ordinance 9, and Chapter 4 of the Ordinances of 1989, the Commissioner of Inspectional Services has promulgated these regulations. These regulations shall be construed in a manner consistent with the State Sanitary Code. The Commissioner is empowered in the interest of public safety and general welfare to alter,

Signed: 

Commissioner
Inspectional Services

rescind, amend, and repeal in accordance, these regulations, so long as alteration, recission, amendment or repeal is consistent with the requirements of the State Sanitary Code, Ordinance 9, as amended by Chapter 26 of the Ordinances of 1984, Chapter 39 of the Ordinance of 1984, and Chapter 4 of the Ordinance of 1989, as the same may be from time to time amended.

5.) Enforcement: The Commissioner of the Inspectional Services Department shall enforce and administer the provisions of these regulations.

6.) Record of Proceedings: The Commissioner of the Inspectional Services Department or his/her designee shall designate one employee of the Department to act as a clerk for all proceedings related to the implementation of the Security Ordinance. The clerk shall keep a detailed record of all correspondence between the Commissioner and landlords and tenants related to the Security Ordinance and regulations, all hearings, decisions, and appeals. Such record shall include a docket book showing the name of each development and shall be properly indexed by street and owner; the docket book shall also include a short description of the Commissioner's decision in each case. Such docket book and records shall be open to public inspection during normal business hours. Upon entry, the clerk shall be furnished with a copy of all documents relative to a landlord's security plan or a party's petition for a modified security plan.

7.) Hearing Officers: The Commissioner may appoint up to three employees of the Department to act as hearing officers for any proceedings before the Commissioner required by the Security Ordinance and these regulations. These hearing officers shall hear testimony and take evidence in accordance with G.L. c. 30A, S.11(1-6). Following the hearing, each hearing officer shall submit a summary of the evidence presented and a recommendation to the Commissioner. The Commissioner's decision shall be based upon the evidence presented to the hearing officer, but the Commissioner shall not be bound by the recommendation of the hearing officer and shall make his/her own independent judgement about whether approval of a security plan is warranted, based upon the evidence submitted.

8.) Memorandum of Understanding with Police Department: The Commissioner shall enter into a memorandum of understanding with the Police Commissioner concerning the manner in which the Police Department and the Inspectional Services Department shall coordinate their respective functions in the implementation and enforcement of the provisions of the Security Ordinance.

9.) Administrative Notification to Interested Organizations: Upon the written request of any organization which represents the general interest of elderly/handicapped tenants, or the general interest of owners of elderly/handicapped housing, the Commissioner shall insure that such organizations get notice, on a monthly basis, of the notices that are being sent out under Section III of these regulations, or of the hearings that are being held and decisions made under Section VI of these Regulations regarding security plans or modified security plans.

Section II Definitions

Meaning- Unless otherwise expressly stated, the following terms shall, for the purpose of Commissioner's Bulletin # 89-1 have the meaning indicated in this section.

Building Entrance- An entrance providing access from outside the building or from any entry vestibule to an interior corridor, lobby, or stairway which leads to an individual dwelling unit.

Building Permit- A permit by the Inspectional Services Department for the construction of any building or for any substantial alteration or addition thereto, as defined in Section 1 of Chapter 143 of the General Laws of the Commonwealth of Massachusetts.

Certified Crime Prevention Personnel- Person or persons who are employed by the Boston Police Department and who have been designated by the Police Commissioner, pursuant to the Security Ordinance, to undertake crime prevention surveys and/or assist the Commissioner of the Inspectional Services Department in the assessment of the adequacy of security plans.

Conspicuous location- A location which is reasonably calculated to draw tenants' attention. Locations which have been previously used in developments to post notices of general notice to tenants may be conspicuous locations, so long as the notices required by these regulations and the Security Ordinance stand out and are not obscured by other notices.